

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-cv-249-FL

MATTHEW BRADLEY,)	DEFENDANT ANALYTICAL
)	GRAMMAR, INC.'S APPENDIX
Plaintiff,)	TO ITS SEPARATE STATEMENT OF
v.)	FACTS AND RESPONSES TO
)	PLAINTIFF'S STATEMENT
ANALYTICAL GRAMMAR, INC.,)	PURSUANT TO LOCAL RULE 56.1(a)
)	
Defendant.)	
)	

Exhibit 2: Declaration of Michael Duffey in Support of Defendant Facebook, Inc.'s Motion to Dismiss Plaintiff's Consolidated Complaint, dated and filed November 2, 2018 in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, Case No. 3:18-md-02843 (VC) (Ex. 1 to Declaration of D. Booth)

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*Attorneys for Defendant Facebook, Inc. and
Non-Prioritized Defendants Mark Zuckerberg
and Sheryl Sandberg*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF MICHAEL DUFFEY
IN SUPPORT OF DEFENDANT
FACEBOOK, INC.'S MOTION TO
DISMISS PLAINTIFFS' CONSOLIDATED
COMPLAINT**

Judge: Hon. Vince Chhabria
Courtroom 4, 17th Floor
Hearing Date: January 23, 2019
Hearing Time: 10:30 a.m.

I, Michael Duffey, declare as follows:

1. I am an employee of Defendant Facebook, Inc., and am an eDiscovery and Litigation Project Lead in the Legal Department. I offer this declaration in support of Facebook's Motion to Dismiss Plaintiffs' Consolidated Complaint. I have personal knowledge of the facts set forth in this declaration (unless otherwise noted), and, if called to testify, I could and would competently testify to them.

2. As part of my job responsibilities, I am aware of the manner in which Facebook stores archived versions of user policies that were, at one time, posted onto Facebook's public website. Among the policies that Facebook keeps in archived form are copies of its Terms of Use/Statements of Rights and Responsibilities ("SRR")/Terms of Service and its Privacy Policy/Data Use Policy/Data Policy.

3. In connection with this declaration, I downloaded copies of the documents attached to this declaration from Facebook's archive system.

4. Attached hereto as **Exhibit 1** is a true and correct copy of Facebook's Terms of Use dated June 28, 2005.

5. Attached hereto as **Exhibit 2** is a true and correct copy of Facebook's Terms of Use dated October 3, 2005.

6. Attached hereto as **Exhibit 3** is a true and correct copy of Facebook's Terms of Use dated February 27, 2006.

7. Attached hereto as **Exhibit 4** is a true and correct copy of Facebook's Terms of Use dated October 3, 2006.

8. Attached hereto as **Exhibit 5** is a true and correct copy of Facebook's Terms of Use dated December 13, 2006.

9. Attached hereto as **Exhibit 6** is a true and correct copy of Facebook's Terms of Use dated May 24, 2007.

10. Attached hereto as **Exhibit 7** is a true and correct copy of Facebook's Terms of Use dated November 7, 2007.

11. Attached hereto as **Exhibit 8** is a true and correct copy of Facebook's Terms of Use dated November 14, 2007.

12. Attached hereto as **Exhibit 9** is a true and correct copy of Facebook's Terms of Use dated November 15, 2007.

13. Attached hereto as **Exhibit 10** is a true and correct copy of Facebook's Terms of Use dated June 7, 2008.

14. Attached hereto as **Exhibit 11** is a true and correct copy of Facebook's Terms of Use dated September 23, 2008.

15. Attached hereto as **Exhibit 12** is a true and correct copy of Facebook's Terms of Use dated February 4, 2009.

16. Attached hereto as **Exhibit 13** is a true and correct copy of Facebook's SRR dated May 1, 2009.

17. Attached hereto as **Exhibit 14** is a true and correct copy of Facebook's SRR dated August 28, 2009.

18. Attached hereto as **Exhibit 15** is a true and correct copy of Facebook's SRR dated December 2, 2009.

19. Attached hereto as **Exhibit 16** is a true and correct copy of Facebook's SRR dated December 4, 2009.

20. Attached hereto as **Exhibit 17** is a true and correct copy of Facebook's SRR dated December 7, 2009.

21. Attached hereto as **Exhibit 18** is a true and correct copy of Facebook's SRR dated December 21, 2009.

22. Attached hereto as **Exhibit 19** is a true and correct copy of Facebook's SRR dated April 22, 2010.

23. Attached hereto as **Exhibit 20** is a true and correct copy of Facebook's SRR dated August 25, 2010.

24. Attached hereto as **Exhibit 21** is a true and correct copy of Facebook's SRR dated October 4, 2010.

25. Attached hereto as **Exhibit 22** is a true and correct copy of Facebook's SRR dated April 26, 2011.

26. Attached hereto as **Exhibit 23** is a true and correct copy of Facebook's SRR dated June 8, 2012.

27. Attached hereto as **Exhibit 24** is a true and correct copy of Facebook's SRR dated December 11, 2012.

28. Attached hereto as **Exhibit 25** is a true and correct copy of Facebook's SRR dated November 15, 2013.

29. Attached hereto as **Exhibit 26** is a true and correct copy of Facebook's SRR dated January 30, 2015.

30. Attached hereto as **Exhibit 27** is a true and correct copy of Facebook's Terms of Service dated April 19, 2018.

31. Attached hereto as **Exhibit 28** is a true and correct copy of Facebook's Privacy Policy dated June 28, 2005.

32. Attached hereto as **Exhibit 29** is a true and correct copy of Facebook's Privacy Policy dated February 27, 2006.

33. Attached hereto as **Exhibit 30** is a true and correct copy of Facebook's Privacy Policy dated May 22, 2006.

34. Attached hereto as **Exhibit 31** is a true and correct copy of Facebook's Privacy Policy dated September 5, 2006.

35. Attached hereto as **Exhibit 32** is a true and correct copy of Facebook's Privacy Policy dated October 23, 2006.

36. Attached hereto as **Exhibit 33** is a true and correct copy of Facebook's Privacy Policy dated May 9, 2007.

37. Attached hereto as **Exhibit 34** is a true and correct copy of Facebook's Privacy Policy dated May 24, 2007.

38. Attached hereto as **Exhibit 35** is a true and correct copy of Facebook's Privacy Policy dated September 12, 2007.

39. Attached hereto as **Exhibit 36** is a true and correct copy of Facebook's Privacy Policy dated December 6, 2007.

40. Attached hereto as **Exhibit 37** is a true and correct copy of Facebook's Privacy Policy dated November 26, 2008.

41. Attached hereto as **Exhibit 38** is a true and correct copy of Facebook's Privacy Policy dated November 19, 2009.

42. Attached hereto as **Exhibit 39** is a true and correct copy of Facebook's Privacy Policy dated December 9, 2009.

43. Attached hereto as **Exhibit 40** is a true and correct copy of Facebook's Privacy Policy dated April 22, 2010, redacted to avoid disclosure of user information of the Facebook employee who archived the document, which was inadvertently included in the archived version, even though it is not part of the policy.

44. Attached hereto as **Exhibit 41** is a true and correct copy of Facebook's Privacy Policy dated October 5, 2010, redacted to avoid disclosure of user information of the Facebook employee who archived the document, which was inadvertently included in the archived version, even though it is not part of the policy.

45. Attached hereto as **Exhibit 42** is a true and correct copy of Facebook's Privacy Policy dated December 22, 2010.

46. Attached hereto as **Exhibit 43** is a true and correct copy of Facebook's Data Use Policy dated September 7, 2011.

47. Attached hereto as **Exhibit 44** is a true and correct copy of Facebook's Data Use Policy dated June 8, 2012.

48. Attached hereto as **Exhibit 45** is a true and correct copy of Facebook's Data Use Policy dated December 11, 2012.

49. Attached hereto as **Exhibit 46** is a true and correct copy of Facebook's Data Use Policy dated November 15, 2013.

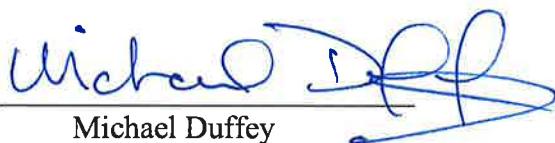
50. Attached hereto as **Exhibit 47** is a true and correct copy Facebook's Data Policy dated January 30, 2015.

51. Attached hereto as **Exhibit 48** is a true and correct copy of Facebook's Data Policy dated September 29, 2016.

52. Attached hereto as **Exhibit 49** is a true and correct copy of Facebook's Data Policy dated April 19, 2018.

I declare under penalty of perjury pursuant to the laws of the United States of America and the State of California that the foregoing is true and correct. Executed at Menlo Park, CA on this 2nd day of November, 2018.

By:



Michael Duffey